

LAW OFFICES  
LEVENTHAL, SENTER & LERMAN P.L.L.C.SUITE 600  
2000 K STREET, N.W.  
WASHINGTON, D.C. 20006-1809NORMAN P. LEVENTHAL  
MEREDITH S. SENTER, JR.  
STEVEN ALMAN LERMAN  
RAUL R. RODRIGUEZ  
DENNIS P. CORBETT  
BRIAN M. MADDEN  
BARBARA K. GARDNER  
STEPHEN D. BARUCH  
SALLY A. BUCKMAN  
NANCY L. WOLF  
DAVID S. KEIR  
DEBORAH R. COLEMAN  
NANCY A. ORY  
ROSS G. GREENBERG  
H. ANTHONY LEHV  
JOHN D. POUTASSE  
CHRISTOPHER J. SOVA  
PHILIP A. BONOMO  
JUAN F. MADRID  
JANET Y. SHIH  
JENNIFER A. MERRILL

January 30, 2001

350  
TELEPHONE  
(202) 429-8970TELECOPIER  
(202) 293-7783

WWW.LSL-LAW.COM

RECEIVED

JAN 30 2001

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARYWRITER'S DIRECT DIAL  
202-416-6774WRITER'S DIRECT FAX  
202-429-4614WRITER'S E-MAIL  
JPOUTASSE@LSL-LAW.COM**VIA COURIER**Ms. Magalie R. Salas  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554**Re: Joint Petition for Rulemaking to Amend  
the FM Table of Allotments**

Dear Ms. Salas:

On behalf of Infinity Radio License Inc. ("Infinity"), licensee of broadcast station WAQZ(FM), Lebanon, Ohio, and Caron Broadcasting, Inc. ("Caron"), licensee of broadcast station WYGY(FM), Hamilton, Ohio, transmitted herewith is an original and four copies of a Joint Petition for Rulemaking to amend Section 73.202(b) of the Commission's Rules, the FM Table of Allotments. Specifically, Infinity requests the relocation of Channel 247A from Lebanon, Ohio, to Fort Thomas, Kentucky, and the corresponding modification of its license for WAQZ. Caron requests the relocation of Channel 243B from Hamilton, Ohio, to Lebanon and the corresponding modification of its license for WYGY.

Should there be any questions concerning Infinity's proposal, please contact the undersigned. Questions concerning Caron's proposal should be directed to James P. Riley, Esq.,

LEVENTHAL, SENTER & LERMAN P.L.L.C.

Ms. Magalie R. Salas  
January 30, 2001  
Page -2 -

Fletcher, Heald & Hildreth, P.L.C., 1300 North 17<sup>th</sup> Street, 11<sup>th</sup> Floor, Arlington, Virginia, (703) 812-0450.

Please date-stamp the enclosed "Return Copy" of this filing and return it to the courier delivering the package.

Respectfully yours,

A handwritten signature in black ink, appearing to read "J.D. Poutasse", written in a cursive style.

John D. Poutasse

Enclosures

cc: James P. Riley, Esq.

ORIGINAL

BEFORE THE

# Federal Communications Commission

WASHINGTON, D.C. 20554

RECEIVED

JAN 30 2001

In the Matter of

Amendment of Section 73.202(b),  
Table of Allotments,  
FM Broadcast Stations  
(Lebanon and Hamilton, Ohio,  
and Fort Thomas, Kentucky)

)  
)  
)  
)  
)  
)  
)

MM Docket No. 00-\_\_\_\_\_  
RM-\_\_\_\_\_

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

To: Chief, Allocations Branch  
Mass Media Bureau

## JOINT PETITION FOR RULEMAKING

Infinity Radio License Inc., licensee of broadcast station WAQZ(FM), Lebanon, Ohio ("Infinity"), and Caron Broadcasting, Inc., licensee of broadcast station WYGY(FM), Hamilton, Ohio ("Caron," and together with Infinity, the "Joint Petitioners"), hereby request that the Commission institute a rule making proceeding to amend the FM Table of Allotments and to modify their respective licenses to specify a new community of license. Specifically, Infinity requests the relocation of Channel 247A from Lebanon, Ohio, to Fort Thomas, Kentucky, and the corresponding modification of its license for WAQZ. Caron requests the relocation of Channel 243B from Hamilton, Ohio, to Lebanon and the corresponding modification of its license for WYGY. This Joint Petition is filed pursuant to Section 1.420(i) of the Commission's Rules.

## **I. Summary**

Section 1.420(i) of the Commission's Rules provides for the modification of a station's license to specify a new community of license if: (i) such a change in community of license would result in a "preferential arrangement of allotments;" (ii) the proposed allotment is mutually exclusive with the station's existing allotment; and (iii) the proposed community of license qualifies as a "community" under Commission policies. *Modification of FM and TV Authorizations to Specify a New Community of License*, 4 FCC Rcd 4870 (1989), *recon. granted in part*, 5 FCC Rcd 7094 (1990) ("*Modification Report & Order*").

This Joint Petition satisfies the standards set forth in the *Modification Report & Order*. Grant of this proposal would result in the following public interest benefits: (1) the allocation of a first local transmission service to Fort Thomas, Kentucky, a thriving, independent community with a population of more than 16,000; (2) the upgrade of Lebanon, Ohio's only local transmission service from Class A to Class B, through the reallocation of Channel 243B to Lebanon from otherwise well-served Hamilton, Ohio; and (3) the provision of additional reception service to more than 46,000 people.

## **II. The Proposed Changes Will Result in a Preferential Arrangement of Allotments**

The Commission's determination of whether a proposal will result in a preferential arrangement of allotments is based on two fundamental considerations that are relevant here: (i) the Commission strongly disfavors an amendment to the FM Table of Allotments if the change

will deprive any community of its only local transmission service; and (ii) the Commission will approve a proposed allotment plan that will yield a net service benefit to the communities involved. *Modification Report & Order*, 4 FCC Rcd at 4873-74; *on reconsideration*, 5 FCC Rcd at 7096-97. The instant proposal is fully consistent with the policy set forth in the *Modification Report & Order*.

First, the Joint Petitioners' proposal will not deprive any community of its only local transmission service. By itself, Infinity's proposed reallocation of WAQZ's Channel 247A from Lebanon to Fort Thomas would result in the loss of the sole local transmission service in Lebanon. Joint Petitioners propose to fill that void, however, by relocating WYGY's Channel 243B from Hamilton to Lebanon. Not only will local transmission service at Lebanon be preserved, but the replacement radio service will be superior Class B, not Class A, facilities. After the reallocation of WYGY's Channel 243B to Lebanon, Hamilton will continue to be served by three local radio stations licensed to that community (WGRR(FM) and WMOH(AM), both commercial stations, and WHSS(FM), a noncommercial station).

The Allocations Branch recently approved a similar reallocation of channels, finding that it clearly served the public interest. *See Dayton, Incline Village, and Reno, Nevada*, DA 00-2613, released November 17, 2000. In that decision, Incline Village's only radio station, KTXH-FM, relocated from Incline Village to Dayton, Nevada, while KRNO-FM relocated from Reno, Nevada, which had multiple transmission services, to Incline Village to replace KTXH-FM.

Second, Joint Petitioners' proposal will result in a net service benefit to the communities involved. The relocation of WAQZ from Lebanon, Ohio, to Fort Thomas, Kentucky, will result

in a net service gain to 46,856 people. WAQZ's current 60 dBu service contour encompasses 2,515 square kilometers and 1,296,801 persons. *See* Joint Engineering Statement prepared by Bernard R. Segal, Consulting Engineer (the "Engineering Statement"), which is Attachment 1 to this Joint Petition. The proposed 60 dBu service contour for WAQZ would encompass 2,477 square kilometers and 1,343,657 persons. The loss area includes 93,908 persons within 567 square kilometers, while the gain area includes 140,764 persons within 529 square kilometers. *See* Engineering Statement at 4. Both the gain and the loss areas are served by at least 10 full-time reception services. *See* Engineering Statement at 4-5. The relocation of WYGY from Hamilton to Lebanon will have no effect on reception service because it will not require any modification to WYGY's transmission facilities. However, the community of Lebanon itself will receive a superior replacement service – a Class B rather than a Class A allocation. Both Lebanon and Hamilton will continue to receive reception service from at least 10 stations. *See* Engineering Statement at 5.

Under the Commission's established FM allotment priorities, the instant proposal will result in a preferential arrangement of allotments. The FM allotment priorities are: (1) first aural service; (2) second aural service; (3) first local service; and (4) other public interest matters. Equal weight is given to priorities 2 and 3. *Revision of FM Assignment Policies and Procedures*, 90 FCC 2d 88, 101 (1982) ("*FM Policies Order*"). The reallocation of Channel 247A from Lebanon to Fort Thomas will provide that city with its first local service, which serves priority 3. The reassignment of Channel 243B to Lebanon from Hamilton will serve priority 4 (an upgrade of class of transmission service at Lebanon). The net population service gains also serve priority 4,

particularly where the reception loss area is otherwise well served. This combination of benefits provides ample justification for the requested rule making.

**III. The Proposed Allotments are Mutually Exclusive with each Stations's Existing Allotment**

In the attached Engineering Statement, Mr. Segal demonstrates that the allocation of Channel 247A to Fort Thomas, Kentucky is mutually exclusive with the current use of that channel at Lebanon, Ohio. Engineering Statement at 1-2. In addition, the requested allotment of Channel 243B at Lebanon, with no accompanying facilities change, is mutually exclusive with that channel's current use at Hamilton. Engineering Statement at 2.

**IV. Fort Thomas, Kentucky Is a Community Entitled to a First Local Service**

A central benefit of Joint Petitioners' proposal is the provision of a first local transmission service at Fort Thomas, Kentucky. As set forth below, Fort Thomas is an independent community that is entitled to a first local service.

Fort Thomas was incorporated in 1867 and had a 1990 U.S. Census population of 16,032 persons. Accordingly, Fort Thomas is a community for purposes of satisfying Section 307(b) of the Act. *See FM Policies Order* at 101; *Arnoldsburg, West Virginia*, 15 FCC Rcd 9210, 9211-12 (Allocation Br., 2000) ("Generally, if a community is incorporated or is listed in the U.S. Census, that is sufficient to demonstrate its [community] status").

Because Fort Thomas is located within the Cincinnati Urbanized Area and Lebanon is located outside of that area, a further step, a so-called “*Tuck* analysis,” is required. *See Faye and Richard Tuck*, 3 FCC Rcd 5374 (1988). *See also Huntington Broadcasting Co. v. FCC*, 192 F.2d 33 (D.C. Cir. 1951); *RKO General, Inc. (KFRC)*, 5 FCC Rcd 3222 (1990). The *Tuck* analysis requires the Commission to consider the extent to which WAQZ will provide service to the entire urbanized area, the relative populations of the outlying and central city, and, most importantly, the independence of the proposed community.

WAQZ already serves a significant portion of the Cincinnati Urbanized Area, and the relocation of WAQZ to Fort Thomas will not result in a substantial increase in the percentage of that area served by WAQZ. From its current site, the predicted 70 dBu contour of WAQZ covers 41% of the Cincinnati Urbanized Area. From a tower located at the proposed reference coordinates for the Fort Thomas allocation (*see* Engineering Statement at 3), WAQZ’s predicted 70 dBu contour would cover 53% of the urbanized area. Thus, the relocation of WAQZ from Lebanon to Fort Thomas will result in service to only an additional 12% of the Cincinnati Urbanized Area.

The city of Cincinnati is significantly larger than Fort Thomas. The 1990 population of Fort Thomas was 16,032, while the population of Cincinnati was 364,040.

Fort Thomas is, however, demonstrably independent of Cincinnati. As an initial matter, Fort Thomas and Cincinnati are located in different states. Fort Thomas is in Kentucky. Cincinnati is in Ohio. Fort Thomas and Cincinnati also are separated by the Ohio River. As a result, Fort Thomas is quite distinct from Cincinnati. The residents of Fort Thomas have their



own local needs and are confronted by issues of public importance that do not affect the residents of Cincinnati.

In *Tuck*, the Commission identified eight criteria by which it assesses the independence of a specified community of license. It is not necessary to demonstrate that all eight criteria are satisfied to establish Fort Thomas's independence from Cincinnati. Rather, the Commission considers a community to be independent when a majority of the *Tuck* elements support such a conclusion. See *Jupiter and Hobe Sound, Florida*, 12 FCC Rcd 3570 (Allocations Br., 1997) (approving change where a majority of *Tuck* factors were satisfied). The eight criteria are: (1) whether the specified community has its own local government and elected officials; (2) the extent to which the specified community relies on the larger metropolitan area for various municipal services, such as police, fire protection, schools, and libraries; (3) whether the community has its own commercial establishments, health facilities, and transportation systems; (4) whether the smaller community has its own telephone book provided by the local telephone company or zip code; (5) whether the smaller community has its own newspaper or other media that cover the community's local needs and interests; (6) whether community leaders and residents perceive the specified community as being an integral part of, or separate from, the larger metropolitan area; (7) the extent to which community residents work in the larger metropolitan area rather than in the specified community; and (8) the extent to which the specified community and central city are part of the same advertising market. *Tuck*, 3 FCC at 5378. A *Tuck* analysis clearly demonstrates that Fort Thomas is independent of Cincinnati.

Fort Thomas has an elected mayor and an elected six member Board of Council. The Board of Council serves as the legislative authority for the city. In addition, the Board of Council oversees six council committees (Public Safety, Finance, Public Works, Recreation, Law-Labor-License and Utilities and Buildings), which in turn oversee numerous community services.<sup>1</sup> In addition, the city assesses its own 1% payroll tax and a real estate tax,<sup>2</sup> and has an annual operating budget for the 2000-2001 fiscal year of approximately \$6,000,000. The city also maintains an Annual Capital Improvements budget of approximately \$500,000 that is utilized to fund capital improvement projects such as street resurfacing, sidewalk replacement and storm sewer maintenance. The existence of this substantial and independent local government illustrates Fort Thomas' independence from Cincinnati.

The Fort Thomas city government has 68 full-time and 20 part-time employees who provide a full range of municipal services to the city's residents. The city has its own police department (with 22 police officers), fire department (with 16 fire fighters), and public works department (with 11 employees), which is responsible for the maintenance and repair of streets, storm sewers and parks.<sup>3</sup> Furthermore, Fort Thomas supports the Fort Thomas Independent

---

<sup>1</sup> Unless otherwise indicated, all information concerning Fort Thomas, Kentucky set forth in this Petition has been obtained from the official Fort Thomas, Kentucky website, [www.ftthomas.org](http://www.ftthomas.org).

<sup>2</sup> Telephone Interview of Ms. Dorothy A. Ivie, Fort Thomas City Clerk (November 17, 2000) ("Ivie Interview").

<sup>3</sup> Ivie Interview.

Schools system,<sup>4</sup> which includes three elementary schools, one middle school and one high school. Fort Thomas is part of Campbell County, Kentucky. The city's water is supplied by Campbell County, not Cincinnati.<sup>5</sup> *See Scotland Neck and Pinetops, North Carolina* 7 FCC Rcd 5113 (Allocations Br. 1992) (holding, in part, that community was independent due to existence of police, fire and educational services).

Fort Thomas is home to approximately 1,117 registered businesses.<sup>6</sup> In addition, two hospitals (Saint Luke's Hospital East and the Veterans Administration Medical Center), as well as a variety of other medical offices and clinics, are located in Fort Thomas.<sup>7</sup> Although Fort Thomas does not have its own local transportation service, the city's local bus service (Tank Bus of Northern Kentucky) is provided by the State of Kentucky, not the city of Cincinnati.<sup>8</sup>

Fort Thomas has its own post office (a branch of the Newport, Kentucky post office) and zip code (41075),<sup>9</sup> which are indicative of the city's independence. *See Anniston and Ashland, Alabama, et al.*, 15 FCC Rcd 9971 (Allocations Br., 2000). Although Fort Thomas does not

---

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> Telephone Interview of Ms. Sherri Hall, Fort Thomas Occupational Compliance Officer (November 17, 2000).

<sup>7</sup> *See* Yahoo Yellow Pages for Fort Thomas, Kentucky at <http://yp.yahoo.com/py/ypBrowse.py?&city=Fort+Thomas&state=KY&country=us&sh=39.077499&sln=84.453300&cs=5&ycat=7737238>.

<sup>8</sup> Ivie Interview.

<sup>9</sup> *2000 National Zip Code Directory*, Vol. I (The National Information Data Center).

have its own telephone book, a separate telephone directory is published for Campbell County, Kentucky, including Fort Thomas.<sup>10</sup>

Two local newspapers are published in Fort Thomas – the Fort Thomas Living, a monthly, and The Fort Thomas Recorder, a weekly newspaper.<sup>11</sup> These publications provide further evidence of Fort Thomas’ independence. *See Pleasanton, Bandera Hondo, and Schertz, Texas* 15 FCC Rcd 3068 (Allocations Br., 2000) (recognizing that even existence of local newsletter is good indication of community independence).

Because Fort Thomas is located in the State of Kentucky, while Cincinnati is located in the State of Ohio, community leaders unquestionably consider Fort Thomas to be separate and distinct from Cincinnati. For example, Fort Thomas has its own official Internet site ([www.ftthomas.org](http://www.ftthomas.org)) that contains detailed information about Fort Thomas, including its government, services and history. Fort Thomas’s sense of independence as a distinct Kentucky community is further evidenced by the fact that it was one of only two Northern Kentucky cities to receive the “Silver Level” designation as a Renaissance Kentucky City for its efforts to maintain and restore its business districts and community entranceways. Finally, Fort Thomas residents support numerous civic organizations, including the local PTA, Women’s Club and Lions Club.<sup>12</sup>

---

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

As the foregoing discussion establishes, Fort Thomas satisfies a majority of the *Tuck* criteria for determining independence. Because Fort Thomas is an independent community, it is deserving of a first local transmission service.

**V. The Joint Petition Complies with all Technical Requirements**

In the attached Engineering Statement, Mr. Segal demonstrates that WAQZ may be relocated from Lebanon to Fort Thomas and WYGY may be relocated from Hamilton to Lebanon in full compliance with all technical requirements. Stations operating from the reference coordinates for Channel 247A at Fort Thomas and Channel 243B at Lebanon will satisfy the Commission's city grade coverage requirements. Engineering Statement at 2, 4. The proposed reallocation of Channel 247A to Fort Thomas fully complies with the minimum distance separation requirements set forth in Section 73.207 of the Commission's Rules. Engineering Statement at 3.

WYGY is short-spaced by 38.2 kilometers to WLVQ(FM), Columbus, Ohio (Channel 242B). Engineering Statement at 2. WYGY, however, is a "grandfathered" short-spaced station that became short-spaced upon the adoption of the minimum mileage separation requirements in the First Report and Order in Docket No. 14185, *Revision of the FM Broadcast Rules, Particularly as to Allocation and Technical Standards*, 33 FCC 309 (1962). In fact, the allotment of Channel 243B to Hamilton, Ohio is itself short-spaced. See Third Report, Memorandum Opinion and Order in Docket No. 14185, 40 FCC 747 (1963). There is no fully-spaced site for WYGY, whether allocated to Hamilton or to Lebanon.

In other words, WYGY is a “pre-1964” grandfathered short-spaced station because the station was short-spaced under Section 73.207 effective November 16, 1964 and has remained short-spaced since that time. *See* 47 C.F.R. §73.213(a). No changes are proposed to WYGY’s technical facilities. As a result, this pre-existing short-spacing will not be exacerbated in any way by the relocation of WYGY(FM) from Hamilton to Lebanon. The only change will be in Channel 243B’s assigned community of license.

In *Newnan and Peachtree City, Georgia*, 7 FCC Rcd 6307 (Allocations Br., 1992), the Commission approved the reallocation of a pre-1964 short-spaced station to a new community where no site change was proposed. The Commission explained that it would “consider waiving strict application of Section 73.207 in limited circumstances, provided that no new short-spacings are created, no existing short-spacings are exacerbated, and the potential for interference between the currently short-spaced stations is not increased.” *Id.* at 6308. *See also Oceanside and Encinitas, California*, 14 FCC Rcd 15303 (Allocations Br., 1999) (the Commission’s “rationale for that action was that grandfathered FM stations that were in compliance with the Rules when authorized should be afforded the same opportunity to change their community of license as other stations authorized in conformity with our Rules”); *Berlin and North Conway, New Hampshire*, 14 FCC Rcd 15307 (Allocations Br. 1999) (approving reallocation and change of community of license proposal involving pre-1964 grandfathered short-spaced stations). Because WYGY will not need to change its transmitter site as a result of the relocation to Hamilton, no new short-spacing will be created, no existing short-spacing will be exacerbated and the potential for

interference will not be increased by the grant of the instant proposal. Thus, the policy adopted in *Newman and Peachtree City, Georgia* should be applied in this case as well.

**VI. Conclusion**

For the reasons set forth above, the Joint Petitioners respectfully request that the Commission initiate a rulemaking proceeding to amend the FM Table of Allotments as follows:

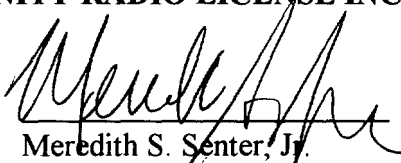
<b>Channel Number</b>		
<b>Community</b>	<b>Present</b>	<b>Proposed</b>
Hamilton, Ohio	243B, 278B	278B
Lebanon, Ohio	247A	243B
Fort Thomas, Kentucky	- -	247A

Infinity and Caron also request that the Commission modify the licenses of WAQZ and WYGY to specify operation at each station's proposed new community of license. Finally, Infinity and Caron commit to file applications to specify the new communities of licenses as requested herein.

Respectfully submitted,

**INFINITY RADIO LICENSE INC.**

By:




Meredith S. Senter, Jr.  
Dennis P. Corbett  
John D. Poutasse

Leventhal, Senter & Lerman P.L.L.C.  
2000 K Street, N.W., Suite 600  
Washington, D.C. 20006-1809  
(202)429-8970

Its Attorneys

- 14 -

**CARON BROADCASTING INC.**

By:   
James P. Riley

Fletcher, Heald & Hildreth, P.L.C.  
1300 North 17<sup>th</sup> Street  
11<sup>th</sup> Floor  
Arlington, VA 22209-3801

January 30, 2001

Its Attorney



**JOINT ENGINEERING STATEMENT  
PREPARED FOR  
CARON BROADCASTING, INC.  
AND  
INFINITY RADIO LICENSE INC.**

The instant joint engineering statement has been prepared on behalf of Caron Broadcasting, Inc. (Caron), licensee of FM Station WYGY, Hamilton, Ohio, and Infinity Radio License Inc. (Infinity), licensee of FM Station WAQZ, Lebanon, Ohio. The former station is authorized for operation on channel 243B with effective radiated power of 19.5 kW (H&V) and antenna radiation center height above average terrain of 247 meters. The latter station is authorized for operation on channel 247A with effective radiated power of 5.0 kW (H&V) and antenna radiation center height above average terrain of 109 meters.

Both licensees seek to modify the Table of Allotments, Section 73.202(b), to reflect new communities for their respective stations. Caron proposes that channel 243B be deleted from Hamilton and the channel be allotted, instead, to Lebanon. Infinity proposes that channel 247A be deleted from Lebanon and the channel be allotted, instead, to Fort Thomas, Kentucky. The Lebanon, channel 243B, allotment is mutually exclusive with

the Hamilton, channel 243B, allotment, and the Fort Thomas, channel 247A, allotment is mutually exclusive with the Lebanon, channel 247A, allotment. The changes proposed will result in a preferential arrangement of allotments that are consistent with the FM allotment priorities set forth by the FCC.

The allotment of channel 243B to Lebanon does not involve a change in site location for station WYGY. Thus, no new allocation concerns arise. However, as a technical matter, WYGY is short spaced to first adjacent station WLVQ, Columbus, Ohio, channel 242B. Section 73.207 requires a minimum separation of 169 kilometers and the separation is 130.8 kilometers. No exacerbation of the short spacing is caused by the instant proposal.

Figure 1 is a map showing the calculated 70 dBu and 60 dBu contours for WYGY. The map also shows the location of Lebanon, the proposed city of license for WYGY. All of Lebanon is included within the WYGY 70 dBu contour as required by FCC rules. The WYGY 70 dBu contour includes 1,270,288 persons in an area of 3,445 square kilometers. The 60 dBu contour includes 2,279,576 persons in 8,606 square kilometers. The deletion of channel 243B from Hamilton will still leave commercial channel 278B in that community. Station WGRR operates on channel 278B. AM station WMOH,

1450 kHz, also, provides a fulltime commercial transmission service to Hamilton. Noncommercial service is provided by station WHSS, channel 208A.

Station WAQZ is the only fulltime commercial transmission facility licensed to Lebanon. The concurrent deletion of Channel 247A from Lebanon and the substitution therefor of channel 243B will provide Lebanon with a much improved local transmission service from station WYGY.

As part of the joint proposal, station WAQZ would be relocated to a new site so as to permit compliance with the minimum separation requirements of Section 73.207 of the Rules while yet affording 70 dBu coverage of Fort Thomas. Figure 2 is an allocation study for WAQZ with the reference for the station at the site proposed to be employed. The site reference coordinates are 39° 11' 51" north latitude, 84° 22' 56" west longitude.

The site has an existing tower which will be increased in height. With the antenna mounted with the radiation center at an elevation of 56 meters above ground level, the antenna radiation center height above average terrain will be 100 meters. The effective radiated power will be 6.0 kW

(H&V) to achieve coverage for a maximum class A facility. Figure 3 is a map showing the calculated coverage contours for the proposed WAQZ, Fort Thomas, operation. The map demonstrates that all of Fort Thomas will be encompassed by the calculated 70 dBu contour as required by the rules.

According to the 1990 US Census, Fort Thomas has a population of 16,032 persons. The same Census information shows that Lebanon has a population of 10,453 persons.

Figure 4 shows the present and proposed WAQZ 60 dBu contours. The present WAQZ 60 dBu contour includes 1,296,801 persons in 2,515 square kilometers. The proposed WAQZ 60 dBu contour includes 1,343,657 persons in 2,477 square kilometers. The present WAQZ loss area includes 93,908 persons in 567 square kilometers. The WAQZ 60 dBu contour gain area includes 140,764 persons in 529 square kilometers. The net WAQZ 60 dBu contour population gain resulting from the proposed relocation is 46,856 persons. A small area loss of 38 square kilometers will occur.

The map of Figure 4 also shows the 60 dBu contours of nine FM stations which provide 100% encompassment of both the present and proposed WAQZ 60 dBu contours. A tenth station, AM station WLW,

Cincinnati, which operates on 770 kHz with power of 50 kW, unlimited hours, provides primary fulltime service to both the present and proposed WAQZ 60 dBu contours, as well. The 0.5 mVm primary service contour for WLW has not been shown since it covers such an extensive area. Thus, both the loss and gain areas are adequately served under the FCC's five station threshold for adequate service.

No effort was made to delineate all the stations providing service to the loss and gain areas. Hamilton and Lebanon have available at least ten reception services. Identifications of the stations on Figure 4 are keyed numerically to the list of Figure 5. Although the primary service contour for station WLW is not shown on Figure 4, the station is listed on Figure 5 for the sake of completeness.

According to the 1990 US Census, the Cincinnati Urbanized Area includes 1,212,675 persons in an area of 1,347 square kilometers. Fort Thomas is located within the Cincinnati Urbanized Area. The Fort Thomas downtown area is approximately 6 kilometers from the Cincinnati downtown area. Lebanon is not within the Cincinnati Urbanized Area.

The present WAQZ 70 dBu contour encompasses 556 square kilometers of the Cincinnati Urbanized Area, corresponding to 41% of the total. The proposed WAQZ 70 dBu contour encompasses 716 square kilometers of the Cincinnati Urbanized Area, corresponding to 53% of the total. Figure 6 shows the present and proposed WAQZ 70 dBu contours and their relationships to the Cincinnati Urbanized Area.

In summary, the proposed changes in the Table of Allotments would retain two commercial and one noncommercial transmission services for Hamilton; would improve the local transmission service for Lebanon from a class A facility to a class B facility and would provide Fort Thomas, a community of 16,032 persons, with its first local transmission service. Those persons who would otherwise lose service from WAQZ as a result of the proposed site change, would have available at least ten other fulltime commercial AM and FM services. The allotment of channel 243B from Hamilton to Lebanon will not result in any service gains or losses since no change in site or mode of operation is proposed for operating station WYGY. The substitution of channel 247A at Fort Thomas for channel 247A at Lebanon will result in 46,846 more persons being capable of receiving station WAQZ with signal strength of 60 dBu or greater than at present.

In preparing the study herein, reliance was placed on the FCC's consolidated database for the facilities of the various stations considered. The 70 dBu and 60 dBu contours for the FM stations were calculated in accordance with the provisions of section 73.313 of the rules taking into account the authorized facilities. Terrain elevation data were obtained from the National Geophysical Data Center (NGDC) 30-second terrain database. Normally, the terrain elevation data for the eight standard 45 degree spaced directions were employed. However, where a station used a directional antenna, interspaced radials at 15 degree intervals were employed to provide better definition of the service contour than could be obtained otherwise on the basis of the standard eight radials. For the proposed WAQZ facility, a ninth radial at 203° true through Fort Thomas was included as required by the FCC rules.

Populations were enumerated using a computer algorithm which included the centroids of population for census divisions in the database. If the centroid was included within the particular contour or area being considered, the entire population of the division was included in the enumeration. Except for those areas stated as being taken from the 1990 U.S. Census, areas were determined by polar planimeter measurement taking into account the appropriate map scale factor, or by means of a

Bernard R. Segal, P.E.  
Consulting Engineer  
Washington, DC

---

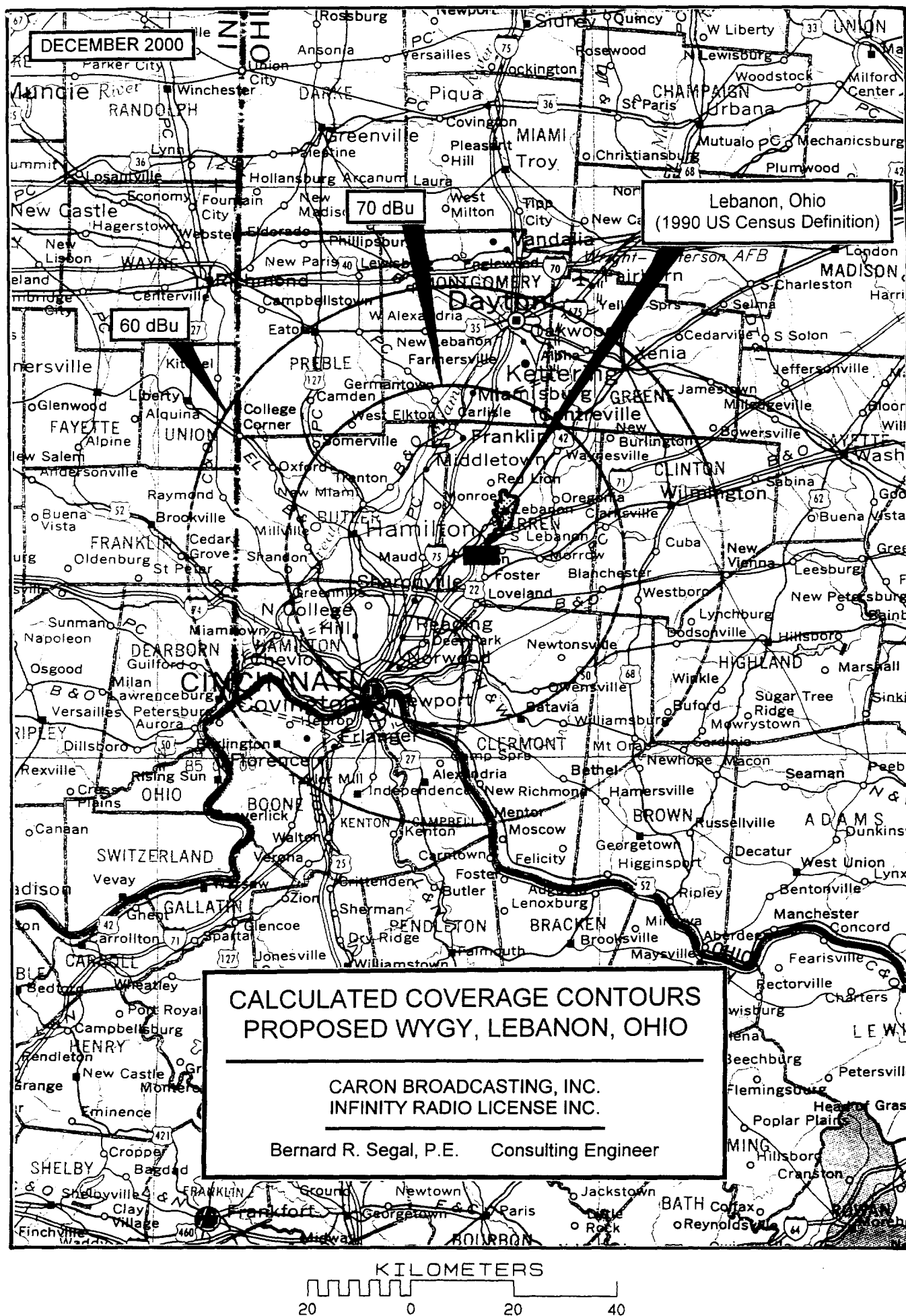
computer algorithm using an area integration methodology based on a trace of the area of interest on the computer display screen.

I declare under penalty of perjury that the foregoing is true and correct. Executed on January 8, 2001.

*Bernard R. Segal, P.E.*  
Bernard R. Segal, P.E.



Figure 1



Channel 247A Allocation Study for Fort Thomas, Kentucky

Site Reference: 39° 11' 51" North Latitude  
84° 22' 56" West Longitude

<u>Channel</u>	<u>Closest Station/ Location/Facilities</u>	<u>Coordinates</u> (N. Lat/W. Long.)	<u>Class Relationship</u>	<u>Separation</u>	
				<u>Actual</u> (km)	<u>Required Minimum</u> (km)
244	None sufficiently close for concern	---	---	---	---
245	None sufficiently close for concern	---	---	---	---
246	None sufficiently close for concern	---	---	---	---
247	Prop. Rulemaking, Jackson, KY	37° 40' 19" 83° 24' 21"	A-C2	189.6	166
248	WVNU, Greenfield, OH	39° 24' 28" 83° 21' 15"	A-A	91.7	72
	WAMZ, Louisville, KY Lic: 100 kW (H&V), 205 m	38° 03' 49" 85° 43' 52"	A-C1	172.2	133
	Appl: 100 kW (H&V), 203 m	38° 15' 40" 85° 25' 43"	A-C1	138.2	133
249	WOXY, Oxford, OH 3.0 kw (H&V), 98 m	39° 28' 44" 84° 45' 51'	A-A	45.4	31
250	None sufficiently close for concern	---	---	---	---
300	None sufficiently close for concern	---	---	---	---

Figure 3

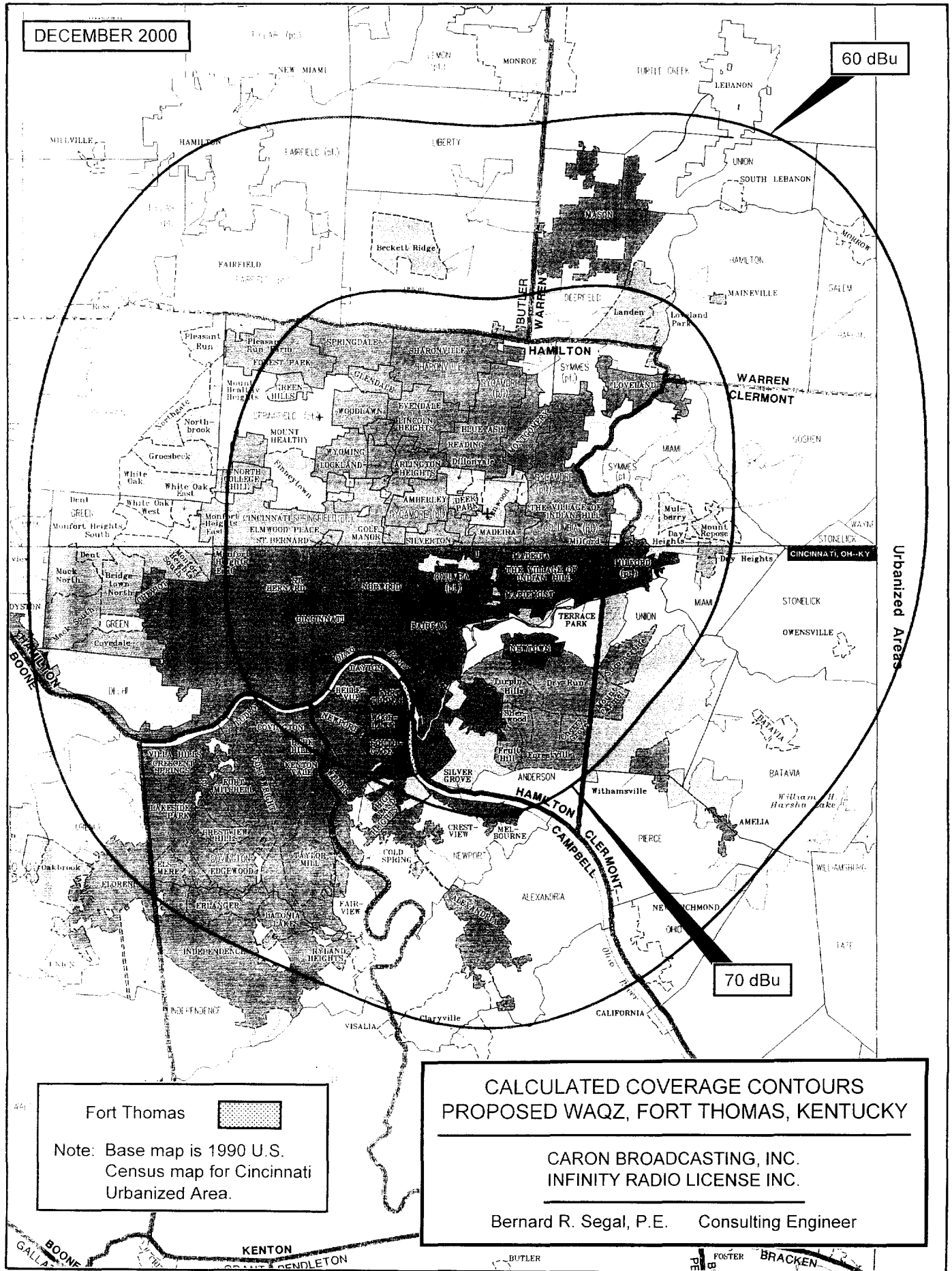
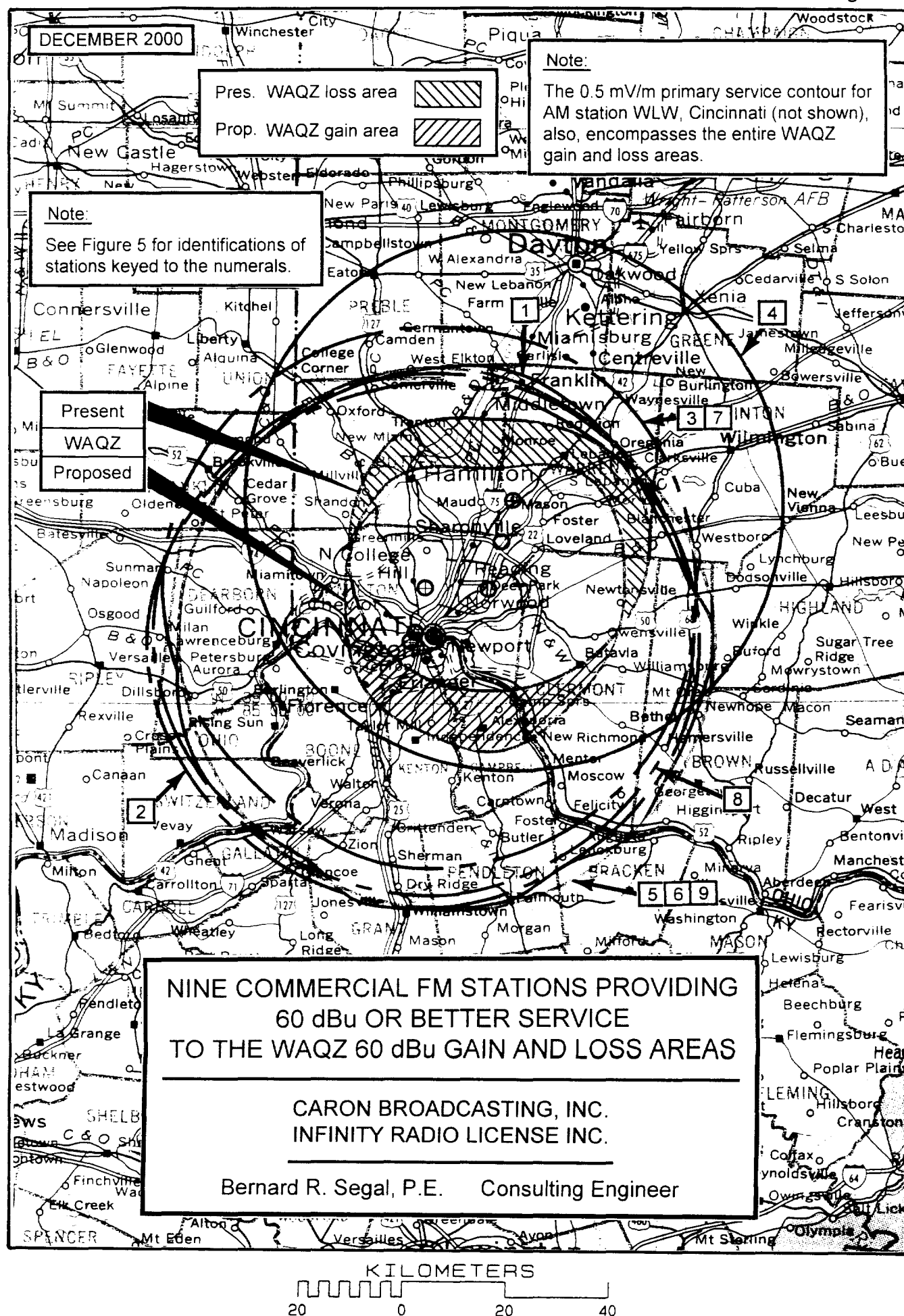


Figure 4



Identifications of Ten Stations Providing Primary Service to  
The Entire Present and Proposed WAQZ 60 dBu Service Areas

<u>Map Identification</u>	<u>Station / Location / Facilities</u>	<u>Site Coordinates (N. Lat./W. Long.)</u>
1	WOFX-FM, Cincinnati, OH Ch. 223B, 16 kW (Max-DA, H&V), 264 m	39° 06' 59" 84° 30' 07"
2	WVMX, Cincinnati, OH Ch. 231B, 32 kW (H&V), 183 m	39° 06' 18" 84° 33' 24"
3	WMOJ, Fairfield, OH Ch. 235B, 10.5 kW (H&V), 322 m	39° 12' 01" 84° 31' 22"
4	WYGY, Hamilton, OH Ch. 243B, 19.5 kW (H&V), 247 m	39° 21' 11" 84° 19' 30"
5	WKRQ, Cincinnati, OH Ch. 270B, 16 kW (H&V), 264 m	39° 06' 59" 84° 30' 07"
6	WEBN, Cincinnati, OH Ch. 274B, 16 kW (H&V), 264 m	39° 06' 59" 84° 30' 07"
7	WGRR, Hamilton, OH Ch. 278B, 11 kW (Max-DA, H&V), 316 m	39° 12' 01" 84° 31' 22"
8	WRRM, Cincinnati, OH Ch. 253B, 17.5 kW (H&V), 246 m	39° 07' 19" 84° 32' 52"
9	WUBE-FM, Cincinnati, OH Ch. 286B, 14.5 kW (H&V), 279 m	39° 07' 31" 84° 29' 57"
10	WLW, Cincinnati, OH 700 kHz, 50 kW, U	39° 21' 11" 84° 19' 30"

Figure 6

